

REMARKS

Election of Inventions

The Examiner has required an election of a single invention for prosecution on the merits. The Examiner has identified the following inventions:

Invention I: Claims 1-18 and 21-52, drawn to a stent and/or catheter for implanting the stent, classified in class 623, subclass 1.11;

Invention II: Claims 19 and 20, drawn to a process for producing a stent, classified in class 128, subclass 898.

The Examiner further indicated that if the claims of invention I are elected, further election of one of the following species was also required:

- The species of figure 1;
- The species of figures 2 and 3;
- The species of figures 4a and 4b.

The Applicants respectfully traverse these restriction requirements.

The Examiner reasons that inventions I and II are related as a process of making and product made. The Examiner alleges that the product as claimed can be made by another and materially different process. As an example, the Examiner indicates that the product as claimed can be made by obtaining cells directly from a host body rather than being produced from cells cultivated in a shaping mold. Contrary to the Examiner's assertion, however, claim 19 does not require the cultivation of cells. Rather, claim 20, which depends from claim 19, recites the cultivation of cells. Therefore, the Applicants maintain that the Examiner has not demonstrated that the stent of claim 1 may be made by another and materially different process than that of claim 19. Withdrawal of this restriction requirement is respectfully requested.

The Applicants further traverse the Examiner's requirement of election of one of the three species mentioned above. The Examiner's requirement of election of one of these species does not specify the claims associated with each of the three species. This prevents the Applicants from making an informed decision regarding this aspect of the

election of claims. Additionally, the Examiner does not indicate which claims, if any, are considered to be generic to two or more species. The Applicants call the Examiner's particular attention to claim 8 in this regard. Withdrawal of the restriction requirement regarding one the species of Invention I is therefore respectfully requested.

While the Applicants traverse the restriction requirement, they recognize the requirement to elect an invention for prosecution, and elect Invention I and the species of figure 1.

Respectfully submitted,



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